



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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SEP 08 2008
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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

JERMAINE WALKER

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Case No: 08 C 1866
(To be supplied by the Clerk of this Court)

SHERIFF OF COOK COUNTY
COOK COUNTY, ILLINOIS

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

AMENDED COMPLAINT

X

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

- A. Name: JERMAINE WALKER
- B. List all aliases: _____
- C. Prisoner identification number: B-52757
- D. Place of present confinement: HILL C. C.
- E. Address: 600 S. LINWOOD RD., GALESBURG, IL. 61401

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: SHERIFF OF COOK COUNTY
 Title: SHERIFF
 Place of Employment: COOK COUNTY JAIL
- B. Defendant: COOK COUNTY, ILLINOIS
 Title: BOARD PRESIDENT
 Place of Employment: COOK COUNTY JAIL
- C. Defendant: _____
 Title: _____
 Place of Employment: _____

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: JERMAINE WALKER V. GERARDO ACEVEDO, et al., NO (08 C 1110)
- B. Approximate date of filing lawsuit: MAY 7, 2008
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: JERMAINE WALKER
- D. List all defendants: GERARDO ACEVEDO, MANUEL ROJAS, LINDA MILLER, LYLE HANKINSON and DON ALTIS
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): CENTRAL DISTRICT OF ILLINOIS
- F. Name of judge to whom case was assigned: HAROLD A. BAKER
- G. Basic claim made: DUE PROCESS VIOLATION AND RELIGIOUS INFRINGEMENT
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): ON 6/25/08, FILED PENDING MOTION TO ALTER OR AMEND JUDGMENT
- I. Approximate date of disposition: CLOSED 6/12/08

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: JERMAINE WALKER VS. ERIC MICHAELEK, et al., No. (08 C 1542)
- B. Approximate date of filing lawsuit: MARCH 14, 2008
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: JERMAINE WALKER
- D. List all defendants: ERIC MICHAELEK, DANIEL LUCE, DAVID MANFIELD, TAMMY GARCIA
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): NORTHERN DISTRICT OF ILLINOIS
- F. Name of judge to whom case was assigned: JUDGE ELAINE E. BUCKLO
- G. Basic claim made: LEGAL MAIL INTERFERENCE
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): PENDING
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: JERMAINE WALKER VS. TERRY MCCANN, et al., NO. 07 C 3083
- B. Approximate date of filing lawsuit: JUNE 1, 2007
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: JERMAINE WALKER
- D. List all defendants: TERRY MCCANN, VENITA WRIGHT, MARK HOSEY, PHILLIP MICHEL, SAMUEL NANCE, GARY COOPER, KEENAN YOUNG
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): NORTHERN DISTRICT OF ILLINOIS
- F. Name of judge to whom case was assigned: JUDGE ELAINE E. BUCKLO
- G. Basic claim made: RELIGIOUS INFRINGEMENT
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): PENDING
- I. Approximate date of disposition: _____

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III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: JACKSON, et al. VS. SHERIFF OF COOK COUNTY, et al., No. (06 C 493)
- B. Approximate date of filing lawsuit: DECEMBER 14, 2006
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: ROBERT JACKSON, et al.
- D. List all defendants: SHERIFF OF COOK COUNTY AND COOK COUNTY, ILLINOIS
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): NORTHERN DISTRICT OF ILLINOIS
- F. Name of judge to whom case was assigned: JUDGE DAVID H. COAR
- G. Basic claim made: JAIL'S PRACTICE AND/OR POLICY OF STRIP SEARCHING
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): SETTLED-OUT MARCH 31, 2008
- I. Approximate date of disposition: MARCH 31, 2008

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: JERMAINE WALKER VS. I.D.O.C.,
No. (04 CC 0223)
- B. Approximate date of filing lawsuit: AUGUST 5, 2003
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: JERMAINE WALKER
- D. List all defendants: ILLINOIS DEPARTMENT OF CORRECTIONS
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): COURT OF CLAIMS, COOK COUNTY
- F. Name of judge to whom case was assigned: JUDGE STEFFAN
- G. Basic claim made: PERSONAL INJURY
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): PENDING
- I. Approximate date of disposition: CLOSED (4/7/06) and REOPEN (6/15/07)

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

1. This is a civil action arising under 42 U.S.C. § 1983. The Jurisdiction of this Court is conferred by 28 U.S.C. § 1343.

2. On December 14, 2006, United States Judge (DAVID H. COAR) ordered that the Civil case (NO. 06 C 496) could proceed as a class action, and set the case for trial on June 18, 2007.

3. Counsel were able to negotiate a proposed settlement before the trial date.

4. Judge Coar's notice of settlement clearly stipulated that any class member have the right to OPT-OUT of settlement and class action before October 8, 2007.

5. Plaintiff objected and OPT-OUT of the

proposed settlement and class action, by filing and mailing the OPT-OUT form to the [Claim Administrator, P.O. BOX 4602, OAK PARK, IL. 60303], and before Judge Coar's 10/8/07 Deadline.

6. Plaintiff pursues the above class action suit separately and independently, demanding trial.

7. Defendants are the Sheriff of Cook County, Illinois. The Sheriff is sued in his official capacity, only. Plaintiff joins Cook County in this action.

8. Plaintiff was admitted to the Cook County Jail as a pre-trial detainee

9. As part of his admission to the Jail, Plaintiff was subjected to the non-consensual insertion of a swab into his penis.

10. The insertion of a swab into the Plaintiff's penis unreasonably invaded his privacy and caused him extreme discomfort.

11. The insertion of a snub into Plaintiff's penis was conducted in accordance with an explicit policy of the Sheriff of Cook County or, in the alternative, with a practice that was so permanent and well-settled at the Cook County Jail that it constitutes a custom or usage with the force of law.

12. As the direct and proximate result of the above referred policy of Defendant Sheriff, Plaintiff was deprived of rights secured by the Fourth and Fourteenth Amendments of our U.S.A. Constitution.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

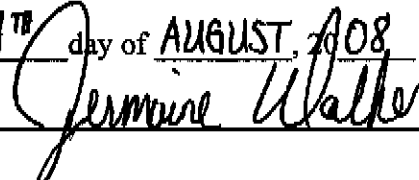
(A) PLAINTIFF WANTS TO BE GRANTED AN AMOUNT IN EXCESS OF TWO MILLION DOLLARS (\$2,000,000.00).

(B) PLAINTIFF WANTS FEDERAL CHARGES OR PENALTIES IMPOSED UPON THE DEFENDANTS.

VI. The plaintiff demands that the case be tried by a jury. ☐ YES ☒ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 24th day of AUGUST, 2008


(Signature of plaintiff or plaintiffs)

JERMAINE WALKER

(Print name)

B-52757

(I.D. Number)

HILL C.C.

P.O. BOX 1700

GALESBURG, IL. 61401

(Address)

August 27th, 2008

Prisoner Correspondence
Clerk's Office
U.S. District Court
219 S. Dearborn St.
Chicago, Ill. 60604

RECEIVED
SEP 08 2008
MICHAEL W. DOBBINS
CLERK U.S. DISTRICT COURT

Dear Correspondent:
(NO. 08 C 1866, Walker v. Sheriff of Cook County, et al.)

NOTICE OF FILING

Please take notice that on the 27th day of August, 2008 @ 10:00 P.M., the attach five (5) Amended Complaint, were mailed to (Prisoner Correspondence, U.S. District Court, 219 S. Dearborn St., Chicago, Ill. 60604).

Respectfully submitted,
Jermaine Walker

Jermaine Walker
B-52757
600 S. Linwood Rd.
P.O. Box 1700
Galesburg, Il. ~~60602~~
61402